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52940 7590 06/26/2007 HOLLAND & KNIGHT LLP Attn: Stefan Stein/IP Dept 131 S. DEARBORN STREET 30TH FLOOR CHICAGO, IL 60603			EXAMINER BAUTISTA, XIOMARA L	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/784,840
Filing Date: February 15, 2001
Appellant(s): KAMEN ET AL.

MAILED

JUN 26 2007

Technology Center 2100

Stefan V. Stein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 16, 2007 appealing from the Office action mailed April 10, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,611,262 B1	Suzuki	8-2003
6,363,404 B1	Dalal et al	3-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Suzuki* (US 6,611,262 B1) and *Dalal et al* (US 6,363,404 B1).

Claim 1:

Suzuki discloses a system for editing and recording a moving picture. Suzuki

teaches that with VRML (virtual reality modeling language), it is possible to attach a texture to a 3D (three-dimensional) object (abstract; col. 1, lines 8-20). A node called "Texture" is defined for still pictures and a node called "MovieTexture" is defined for moving pictures. Information on the texture to be attached is described in these nodes (abstract; col. 1, lines 49-67; col. 2, lines 1-19, 48-55). Suzuki explains that a 3D object is described by using VRML. A scene consisting of a plurality of 3D objects, moving pictures, etc., is described according to VRML. Suzuki teaches that in VRML, texture to be attached to (mapped with) a 3D object is designated by a URL (col. 7, lines 21-29, 40-51; col. 8, lines 20-25). Suzuki teaches video objects and nodes describing information relating a surface of an attachment; each node describes a URL that indicates an address of a corresponding AV (moving image, sound, audio) data file (col. 9, lines 46-67; col. 10, lines 1-7, 16-44; col. 11, lines 20-28; col. 22, lines 1-17).

Suzuki teaches associating a plurality of URLs obtained from a video presentation into a corresponding plurality of textures but it does not teach mapping the textures on geometric surfaces defining a 3D space. However, Dalal discloses a method for providing hyperlinking within textures of three-dimensional models. A processor stores markup documents in texture image files of predefined 3D models. The markup document includes various types of link elements. The texture image files are mapped to predetermined locations on the 3D models. The

markup documents are displayed when the 3D model is displayed using content, format information, and linking information (col. 1, lines 37-43, 52-57, 60-67; col. 2, lines 1-12; col. 3, lines 3-34). Dalal teaches mapping the textures on geometric surfaces defining a 3D space (figs. 3, 4A-5, 7-9). Therefore, it would have been obvious to one ordinarily skilled in the art to modify Suzuki's method of attaching textures to 3D objects to include Dalal's method for providing hyperlinking within textures of 3D models because it provides users with an interface that increases the ease of user interaction by facilitating selection and manipulation of objects and textures in a 3D environment having multiple regions or geometric surfaces.

Claims 2 and 3:

See claim 1. Suzuki/Dalal teaches identifying events associated with a 3d image having a plurality of surfaces, each associated with a link (URL) determining a position of the surface in a virtual 3d space, and placing an event driven result on the surfaces (Dalal: col. 2, lines 16-22; col. 5, lines 62-67; col. 6, lines 1-61).

Claims 4, 8 and 10:

Suzuki/Dalal teaches a processing unit having hardware and software components for storing markup documents in texture image files (col. 1, lines 63-65). Suzuki/Dalal teaches a three-dimensional processing component for mapping the information stored in a texture image file (Dalal: col. 5, lines 18-57; col. 6, lines 1-25).

Claim 6:

See claim 1. Suzuki/Dalal teaches a processor with hardware and software components that stores markup documents in texture image files of predefined three-dimensional models. Suzuki/Dalal teaches a processor coupled to a memory having instruction to cause the processor to associate a plurality of URLs with a corresponding plurality of textures (Dalal: col. 1, lines 63-65; col. 3, lines 65-67; col. 4, lines 1-6; figs. 1-2).

Claims 7 and 11:

See claim 1. Suzuki/Dalal teaches a processor that executes instructions for determining a position of the surface on the 3D object in the 3D space and place an event driven result on the surface of the virtual 3D space (Dalal: col. 2, lines 16-22; col. 5, lines 62-67; col. 6, lines 1-61).

Claim 9:

See claim 1. Suzuki/Dalal teaches a storage medium including instructions (fig. 1) which when executed cause a computer system to correlate links (URLs) into a corresponding texture and map the textures on surfaces of 3D objects located in the 3D space (Dalal: col. 1, lines 37-43, 52-57, 60-67; col. 2, lines 1-12; col. 3, lines 3-34).

(10) Response to Argument

A. Appellant argues with respect to claim 1 (page 4, 3rd and 4th paragraph), “...no teaching, suggestion or motivation has been set forth in support of the Section 103 rejection. Therefore, under the current state of the legal precedent of KSR v Teleflex pending before the U.S. Supreme Court...a *prima facie* showing of obviousness under Section 103 has not been set forth.” Appellant argues that the Examiner’s assertion that the combination of Suzuki with Dalal provides all the elements of claim 1 “...constitutes nothing more than classic picking and choosing select elements of the prior art with 20/20 hindsight of Applicant’s invention...the prior art must provide the teaching, motivation or suggestion necessary for a *prima facie* showing of obviousness.” a *prima facie* showing of obviousness under Section 103 has not been set forth.” (page 4, 4th paragraph-last paragraph; page 5, 1st paragraph).

In response, the distinction between rejections based on 35 U.S.C 102 and 35 U.S.C 103, is that for a 102 rejection the reference must teach every aspect of the claimed invention either explicitly or impliedly; whereas, in a 103 rejection the reference teachings must somehow be modified in order to meet the claims; the modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the

prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Suzuki discloses a computer-implemented method for creating a three-dimensional (3D) navigation of a virtual three-dimensional space having a plurality of URLs obtained from a video presentation, wherein the URLs are associated into a corresponding plurality of textures; and Dalal discloses a plurality of links that are provided within textures of 3D models; the texture images being mapped to specified locations on the 3D models (geometric surfaces defining a 3D space). It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Suzuki's method of recording a moving picture signal in a recording medium and reproducing it for display to include Dalal's teaching of designing computer generated composite documents having images, text, and/or animations, wherein hyperlinks are associated with any of the images, text, and/or animations because as Dalal explains, other 3D modeling languages enable designers to select an image file to use as a texture map with a URL. Using the URL to specify a texture image file enables the designer to select texture images from anywhere on the world wide web. The languages disclosed by Dalal do not support hyperlinking of information contained in texture images

applied to 3D shapes. The markup language taught by Suzuki adds this functionality and provides a more interactive and dynamic language because markup language can contain instructions that allow the displayed representation to be interactive, dynamic and/or self-modifying. One of ordinary skill in the art would be motivated to add this functionality to the system of Dalal to solve the specific problem identified by Dalal of being able to support hyperlinks.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Suzuki teaches a system and method for describing spatial information wherein a 3D object is described by using Virtual Reality Modeling Language (VRML) and the object's position is represented by a Uniform Resource Locator (col. 1, line 49-col. 2, line 55; col. 7, line 21-56; col. 8, lines 20-25). Dalal teaches that 3D geometries created from VRML can be manipulated in a composite document by a viewer wherein the surfaces of the created 3D models are covered with a texture image but, that unfortunately VRML does not support hyperlinking

of information contained in the texture images applied to a 3D shape (col. 1, lines 23-57) and that is the problem Dalal wants to solve. Suzuki provides a solution to the problem identified by Dalal. One of ordinary skill is always motivated to search for and utilize known solutions to identified problems.

B. Appellant argues, "...since Dalal teaches using 'stored markup documents', it actually teaches away from the claimed invention because it does not teach or suggest that a URL obtained from a video presentation may be associated with a plurality of textures which are mapped on geometric surfaces which define a three-dimensional space." (page 5, second and last paragraphs; page 6, second and last paragraphs; page 7, last paragraph).

In response, the examiner notes that the mere fact that a primary reference uses a different process than the process taught by the secondary reference is not evidence of teaching away. Teaching away requires that the primary reference specifically state that the proposed process is undesirable or could not be used. There are no such statements in the Dalal reference.

As discussed above, Suzuki discloses video objects and nodes (data for describing attributes, shapes, etc. of a 3D space such as color, texture, etc.) describing information relating a surface of an attachment wherein each node describes a URL indicating an address of an AV (audio and video) data file (col. 1,

lines 49-59); and that texture to be attached to a 3D object is designated by a URL (col. 7, lines 18-50; col. 8, lines 5-25). Dalal discloses that it is possible to attach a texture to a 3D object; that a "Texture" node is defined for still pictures and a "MovieTexture" node is defined for moving pictures; that information on the texture to be attached is described on these nodes; and that the texture to be added may be a still picture or a moving picture (col. 9, lines 46-67; col. 10, lines 1-7, 16-44).

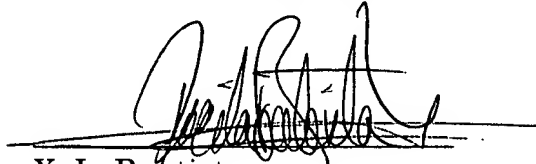
Suzuki/Dalal discloses surfaces covered with a texture image; selecting an image file to use as texture map with a URL; the texture image file storing a single texture image or a movie containing a series of texture images; and hyperlinking the information contained in the texture image applied to a 3D shape. Suzuki/Dalal teaches obtaining a URL from a video; associating the URL with a plurality of textures that can be mapped on geometric surfaces defining a 3D space.

(11) Related Proceeding(s) Appendix

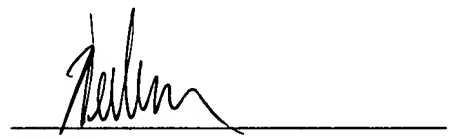
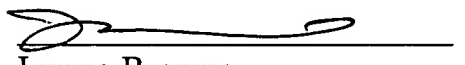
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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June 21, 2007